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**AUG 11 2005**

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 PATENT, TRADEMARK, COPYRIGHT  
 AND UNFAIR COMPETITION LAW  
 AND RELATED LITIGATION

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 EDWARD B. EVANS 1936-1971

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August 11, 2005

**FACSIMILE COVER SHEET**

To: Examiner Ori Nadav  
 Mail Stop AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22213-1450

From: William R. Allen  
 Reg. No. 48,389

Re: U.S. Patent Application  
 Serial No. 10/767,065  
 Filed: January 29, 2004  
 Applicant: Furukawa et al.  
 Art Unit: 2811  
 Confirmation No.: 5663  
 Our Ref: IBM/269

Fax: 571-273-8300

Enclosures:

Fax Cover Sheet containing Certificate of  
 Facsimile Transmission (1 page)  
 Transmittal containing Certificate of  
 Facsimile Transmission (2 pages)  
 Amendment and Response (11 pages)

Pages: 14 (including cover sheet)

**MESSAGE/COMMENTS**  
**OFFICIAL**

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (14 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Ori Nadav, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 571-273-8300 on August 11, 2005.

*William R. Allen*  
 William R. Allen

*11 August 2005*  
 Date

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## PATENT

Att'y Docket No. IBM/269/259  
Confirmation No. 5663

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William R. Allen  
William R. Allen

11 August 2005  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Furukawa et al. Art Unit: 2811  
Serial No.: 10/767,065 Examiner: Ori Nadav  
Filed: January 29, 2004 Atty. Docket No.: ROC920030268US1  
For: VERTICAL NANOTUBE SEMICONDUCTOR DEVICE STRUCTURES AND METHODS OF FORMING THE SAME

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. ☒ Transmitted herewith is an Amendment and Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
☐ Enclosed is a verified statement to establish Small Entity status  
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

**CALCULATION OF FEES**

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	14	minus	32	0	\$50	\$0.00
Independent Claims	2	minus	3	0	\$200	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$360	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

- ☒ No additional fee for claims is required.

Page 1 of 2  
Serial No. 10/767,065  
Transmittal for Amendment of August 11, 2005  
IBM Docket: ROC920030268US1  
WH&E IBM/269

4. ☐ Attached is a check in the sum of \$\_\_\_\_\_ for additional claims.  
☐ Please charge my Deposit Account No. 23-3000 in the amount of \$\_\_\_\_\_.

5. **The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.**

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$1,590.00	\$ 795.00
<input type="checkbox"/>	five months	\$2,160.00	\$1,080.00

Extension fee due with this request:

\$\_\_\_\_\_

Method of Payment:

Check enclosed in the amount of \$\_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.

**OR**

- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:

William R. Allen  
William R. Allen  
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Serial No.: 10/767,065 Examiner: Ori Nadav  
Filed: January 29, 2004 Atty. Docket No.: ROC920030268US1  
For: VERTICAL NANOTUBE SEMICONDUCTOR DEVICE STRUCTURES AND  
METHODS OF FORMING THE SAME

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**AMENDMENT UNDER 37 C.F.R. § 1.111**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated May 12, 2005, please amend the above-identified application as follows:

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks** begin on page 7 of this paper.

Page 1 of 11  
Serial No. 10/767,065  
Amendment and Response dated August 11, 2005  
Reply to Office Action of May 12, 2005  
IBM Docket ROC920030268US1  
WH&E IBM/269  
K:\ibm\269\Amendment and Response to 05-12-05 OA.wpd